

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF PHARMACY

vs

GINA CONDE, CPHT
LICENSE #PH200343

CONSENT ORDER

Pursuant to Rhode Island General Laws Section 5-19.1-21 and the Rules and Regulations promulgated thereunder, the Department of Health ("Department"), Board of Pharmacy (Board) has investigated a complaint charging Gina Conde, CPHT ("Respondent"), with violations of RIGL § 5-19.1-21 and Section 27 of the *Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers and Distributors*. After consideration by the Board, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is licensed as a pharmacy technician II in the State of Rhode Island and holds license #PH200343.
2. On or about October 16, 2012, while employed as a pharmacy technician II at Rite Aid Pharmacy #10242 located at 2055 Warwick Avenue, Warwick, RI, Respondent admitted to the diversion of the schedule IV controlled substance, Phentermine ("Adipex P").
3. Respondent's license as a pharmacy technician II was summarily suspended by the Department on January 11, 2013.
4. Pursuant to § 5-19.1-21, this conduct constitutes unprofessional conduct in the State of Rhode Island.

Based on the foregoing, the parties agree as follows:

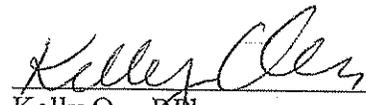
1. Respondent is a pharmacy technician II and is able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. Effective on the date of ratification of this Consent Order by the Department, the Summary Suspension issued against Respondent on January 11, 2013, is hereby vacated.
3. Respondent is returned to full and unrestricted status and shall operate in conformity with all laws and regulations governing the practice of pharmacy in this state.
4. Respondent agreed to a six (6) month period of probation of her pharmacy technician II license, but such period shall apply retroactive to February 28, 2013, and completed on August 28, 2013. Respondent has completed her six month probation at the time of ratification.
5. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
6. Respondent has read this Consent Order and understands that it is a proposal of the Board and is subject to the final approval by the Department. This Consent Order and the contents thereof are not binding on Respondent until final approval by the Department.
7. Respondent hereby acknowledges and waives:
 - a) The right to appear personally or by counsel or both before the Board;
 - b) The right to produce witnesses and evidence in her behalf at a hearing;
 - c) The right to cross-examine witnesses;
 - d) The right to have subpoenas issued by the Board and or the Department;
 - e) The right to further procedural steps except for those specifically contained herein;
 - f) Any and all rights of appeal of this Consent Order;
 - g) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;
 - h) Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;

- i) Any objection to the fact that the Board reviewing this Consent Order may be the same as the hearing committee presiding over this matter should it later be brought to an administrative hearing; and
 - j) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Board and or Department.
8. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and approved by the Department.
9. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.

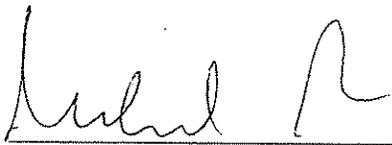
12/19/13
Date


Gina Conde
License # PH200343

12/19/13
Date


Kelly Orr, RPh
Chairperson
Rhode Island Board of Pharmacy

Approved on this 19 day of December, 2013.


Michael Fine, M.D.
Director of Health
Rhode Island Department of Health